



Paper No. 14

**FISH & NEAVE**  
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**NEW YORK, NY 10020**

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In re Application of  
Xiaoling Xie et al  
Application No. 09/706,128  
Filed: November 3, 2000  
Attorney Docket No. VP198-04 CON

**OFFICE OF PETITIONS**  
**ON PETITION**

This is a decision on the petition under 37 CFR 1.137(b), filed September 18, 2003, to revive the above-identified application. This is also in response to the paper styled "REQUEST FOR REMOVAL OF SMALL ENTITY STATUS" filed September 18, 2003, which is being treated under 37 CFR 1.28(b) requesting that status as a Small Entity be removed.

The petition under 37 CFR 1.137(b) is **GRANTED**.


The request that status as a Small Entity has been **REMOVED**.

The above-identified application became abandoned for failure to reply in a timely manner to the non-final Office action mailed December 18, 2002, which set a shortened statutory period for reply of one (1) month. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on January 19, 2003.

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. See In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Accordingly, since the \$1,970.00 extension of time submitted with the petition on September 18, 2003 was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credited to petitioner's deposit account.

Telephone inquiries concerning this decision should be directed to Wan Laymon at (703) 305-9282.

The application file is being forwarded to Technology Center AU 1631.

  
Wan Laymon  
Petitions Examiner  
Office of Petitions  
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for Patent Examination Policy